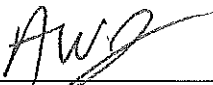


Approved: 

JONATHAN L. BODANSKY / ANDREW JONES  
Assistant United States Attorneys

Before: THE HONORABLE JENNIFER E. WILLIS  
United States Magistrate Judge  
Southern District of New York

**22 MAG 9297**

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UNITED STATES OF AMERICA

- v. -

CLISANDRO MENDEZ,

Defendant.

:  
:  
: SEALED COMPLAINT  
:  
: Violation of 21 U.S.C.  
: § 846  
:  
: COUNTY OF OFFENSE:  
: BRONX  
:  
:-----X

SOUTHERN DISTRICT OF NEW YORK, ss:

MICHAEL O'REILLY, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), and charges as follows:

COUNT ONE

(Narcotics Conspiracy)

1. From at least on or about November 8, 2022, through at least on or about November 16, 2022, in the Southern District of New York and elsewhere, CLISANDRO MENDEZ, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CLISANDRO MENDEZ, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that CLISANDRO MENDEZ, the defendant, conspired to distribute and possess with intent to distribute was 400 grams and more of mixtures and substances

containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge of the foregoing charge are, in part, as follows:

4. I am a Special Agent with HSI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law-enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my personal involvement in this investigation, my review of law-enforcement reports, and my conversations with other law-enforcement officers, I have learned the following, in substance and in part:

a. On or about November 8, 2022, the Louisville Metro Police Department ("LMPD") was advised that a specific UPS Next Day Air parcel (the "Package") had been recovered during a routine sweep at the UPS facility in Louisville, Kentucky. The Package weighed approximately 25 pounds and was addressed to a "Hector Suarez" at an apartment (the "Apartment") in the Bronx, New York.

b. The Package was presented to a Customs and Border Protection narcotics-detection K-9, which gave a positive alert on the Package, indicating the presence of the odor of narcotics or contraband that has been tainted with the odor of narcotics.

c. On or about November 10, 2022, a Judge of the Jefferson District Court for the Commonwealth of Kentucky authorized a warrant to search the Package. During the search of the Package, a LMPD officer found inside approximately 6.6 kilograms of what later tested positive for fentanyl.

d. HSI in New York City subsequently agreed to accept custody of the Package for the purpose of conducting a controlled delivery of the Package at the Apartment.

e. On or about November 16, 2022, HSI obtained a judicially-authorized search warrant to search the Apartment in

the event that an adult accepted the Package (the "Warrant"). At approximately 6:00 PM, HSI conducted a controlled delivery of the Package to the Apartment as planned. The controlled delivery consisted of an undercover agent posing as a UPS employee to deliver the Package to the Apartment. During the controlled delivery, an adult male answered the door of the Apartment and stated that no one by the name of "Hector Suarez" resided at the apartment. A 17-year-old female occupant stated, in substance and in part, that the Package was intended for her boyfriend. The adult male agreed to accept the Package. At that point, law enforcement agents identified themselves and conducted a search of the Apartment, pursuant to the Warrant.

f. Following the search of the Apartment, the minor female occupant sent the person she identified as her boyfriend, who was later identified as CLISANDRO MENDEZ, the defendant, a photograph of the Package and made audio and video calls to MENDEZ about the Package. MENDEZ responded, in substance and in part that he would be right over.

g. At approximately 6:30 PM, MENDEZ arrived at the Apartment and was arrested.

h. Following his arrest, MENDEZ was transported to a law enforcement office. At the office, MENDEZ was informed, in Spanish, of his *Miranda* rights. MENDEZ signed a waiver of those rights, and he was interviewed in Spanish, by law enforcement agents.<sup>1</sup> The interview is video recorded. During the interview, MENDEZ stated, in substance and in part, another person ("CC-1") had offered to pay MENDEZ to have the Package shipped to MENDEZ. MENDEZ further stated that when the Package did not arrive at the Apartment as originally scheduled, MENDEZ spoke to CC-1, who informed MENDEZ, in substance and in part, that CC-1 believed the Package may have been confiscated and that the Package contained narcotics.

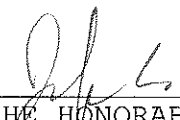

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<sup>1</sup> The law enforcement officer who conducted the interview speaks Spanish fluently. The officer translated the interview of MENDEZ for me.

WHEREFORE, I respectfully request that CLISANDRO MENDEZ, the defendant, be imprisoned or bailed, as the case may be.

  
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MICHAEL O'REILLY  
Special Agent  
Department of Homeland Security  
Homeland Security Investigations

Sworn to before me this  
17th day of November, 2022.

   
\_\_\_\_\_  
THE HONORABLE JENNIFER E. WILLIS  
United States Magistrate Judge  
Southern District of New York